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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,355	10/10/2006	Marcus Hennecke	11336-1234 (P03063US)	6291
81166 7590 09/04/2009 HARMAN - BRINKS HOFER CHICAGO Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610				
EXAMINER				
ABEBE, DANIEL DEMELASH				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
09/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,355

Applicant(s)

HENNECKE, MARCUS

Examiner

Daniel D. Abebe

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Information Disclosure Statement

The information disclosure statement filed on 9/27/2007 fails to comply with 37 CFR 1.98(a)(1), which requires the following:

(1) the publication date of the Non Patent Literature documents submitted for consideration by the Office. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claims 4, 6-8, 10, 15, 17 and 19-21 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend on another multiple dependent claim See MPEP § 608.01(n).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. the claims are rejected because computer program products are unpatentable subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ammicht et al. (6,246,986) and in view of Miyazawa et al. (5,983,186).

As to claim Ammicht teaches a method of controlling an interactive dialog system comprising:

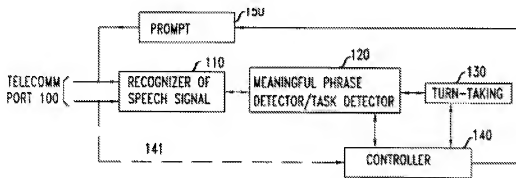
During a prompt listening to acoustic input (a possible barge-in);

receiving an acoustic input signal;

processing the acoustic signal to determine whether the acoustic signal is noise or utterance;

processing the acoustic signal by speech recognition unit to "ascertain whether it is receiving an utterance that is intended to interrupt the prompt, or merely noise or an utterance that is not meant to be used by the arrangement" and

based on the result modifying the prompt (abstract; Col.2, lines 40-63)



Its noted that even though the step of listening in Ammicht is analogous to detecting voice, Ammicht doesn't explicitly teach using voice activity detector.

Miyazawa teaches an interactive speech dialog system comprising voice activity detector and speech recognition where acoustic signal that is detected by the voice activity detector is examined by the speech recognition unit (abstract; Fig.4). use of

voice activity detector, in Ammicht system, would be obvious to one of ordinary skill in the art in order to efficiently avoid noise signals.

As to claims 2-3, Ammicht teaches interrupting (reducing the volume) of the acoustic prompt (abstract).

As to claim 4, the use of the conventional HMM or artificial network by the speech recognition unit of the Ammicht is inherent.

As to claim 5, Ammicht teaches where the meaningful phrase is task classified (Fig.1, 20; abstract).

As to claim 6, the processing step in Ammicht teaching comprises speech recognition unit (Fig.3).

As to claim 7, Ammicht teaches processing the acoustic input signal using echo canceller for removing portion of the prompt signal that is found in the incoming signal (claim 11).

As to claims 8-9, Ammicht teaches where the acoustic signals come from various sources (Fig.3; Col.2, lines 55-62) and Miyazawa teaches where the noise is estimated.

Official Notice is taken that use of a plurality of microphones is common and well known in the art of speech recognition and would be obvious in the prior arts of record for the purpose of effectively collecting acoustic background noise.

With regard to claims 12-21, the corresponding speech dialog system for performing the steps recited in the method claims of 1-11 above is analogous

and therefore rejected by Ammicht and in view of Miyazawa for the foregoing reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626